REMARKS

I. INTRODUCTION

In response to the Office Action dated November 3, 2004, the claims have not been amended. Claims 1-5, 9-21, 23-33, and 37-51 remain in the application. Re-consideration of the application is requested.

II. CLAIM OBJECTIONS

The final Office Action has indicated that should claims 43, 45, and 47 be found allowable, claims 44, 46, and 48 will be objected to as being a substantial duplicate thereto. The final Office Action asserts that the specification does not define the term "favorite" and hence such term is interpreted as being "preferred". Further, the final Office Action asserts that since a "recently visited location" was preferred (favorite) at the time of visit, claim duplication becomes an issue.

Applicant respectfully disagrees with and traverse the claim objections. Firstly, the specification refers to a user bookmarking a location as a "favorite" location and places the term "favorite" in quotation marks (see paragraphs [0057] and [0059]). Such a use of a "favorite" location and bookmarking provides an understood meaning of the term "favorite" as a location that has been identified by the user (e.g., via bookmarking) as a favorite/preferred location. Accordingly, contrary to that asserted in the final Office Action, the specification provides and utilizes a well understood meaning of the term "favorite".

Secondly, regardless of whether the term means "preferred" (as asserted in the final Office Action) or maintains another meaning, a preferred/favorite location is clearly distinguishable from and is not a duplicate of a "recently visited location" of a user. In this regard, just because a user has visited a particular location, it does not mean that such a visited location is a preferred or favorite location. People often visit many locations that they would not identify as being a "favorite" or preferred location. For example, if a person visits a prison or attends a friend's party at a restaurant that he/she dislikes, such a location would not be a preferred/favorite location even though the user has visited such a location. Further, even when the user is at the location, it would not be a "preferred" or "favorite" location as asserted in the final Office Action. Applicant submits that the terms "favorite" or "preferred" are not equivalent to, and are not duplicative of the term "recently

visited location". In this regard, the terms have completely different meanings and are not substantial duplicates under 37 CFR 1.75. MPEP §706.03(k) provides:

> Nevertheless, when two claims in an application are duplicates, or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other claim under 37 CFR 1.75 as being a substantial duplicate of the allowed claim.

In view of the MPEP section, Applicant submits that claims 43, 45, and 47 are not "so close in content that they both cover the same thing" as claims 44, 46, and 48. In this regard, a "favorite location" may not have been "recently visited". Similarly, a "recently visited location" may not be a user's "favorite" location. Accordingly, the claims do not cover the same thing are not duplicative.

In view of the above, Applicant respectfully requests that the objections to these claims be withdrawn.

III. PRIOR ART REJECTIONS

In paragraphs (5)-(6) of the Office Action, claims 1-42 were rejected under 35 U.S.C. §102(e) as being anticipated by LeBlanc, U.S. Patent No. 6,236,365 (LeBlanc).

Specifically, the independent claims were rejected as follows:

> Claims 1., 15., 29.
>
> LeBlanc anticipates determining an approximate location of a device (**LeBlanc**, c 3, l 37-40); reading a rule base that comprises an ordered collection of rules (**LeBlanc**, c 6, l 14-32); capturing an imprecise input (**LeBlanc**, c 6, l 14-32); wherein the imprecise input is based on: a proximity to a particular user identified location; a similarity between a current user's activity and a particular user identified location; a similarity between a current user's activity and a particular established activty profile; or whether a current time is within a particular temporal range or temporal profile (**LeBlanc**, c 3, l 29-45; EN: applicant has elected to limitations for "capturing an imprecise input" using the exclusive "or" and hence only one of such conditions need be addressed, i.e. proximity to user's location); processing the imprecise input to determine a magnitude of participation of the input in the rules (**LeBlanc**, c 6, l 34-48); applying the rules to the imprecise input based on the magnitude of participation to produce a logical product (**LeBlanc**, c 27, l 42-60); and computing a refined location based on the logical product (**LeBlanc**, c 27, l 42-60; Examiner's Note (EN): para 2 above applies; Leblanc involves computer implemented analysis (i.e. c 13, l 22-41)

Applicant traverses the above rejections for one or more of the following reasons:

(1) Le Blanc does not teach, disclose or suggest both determining an approximate location of a device and capturing an imprecise input based on a proximity to a particular user identified location;

(2) Le Blanc does not teach, disclose or suggest both determining an approximate location of a device and capturing an imprecise input based on a similarity between a current user's activity and a particular established activity profile;

(3) Le Blanc does not teach, disclose or suggest both determining an approximate location of a device and capturing an imprecise input based on whether a current time is within a particular temporal range or temporal profile;

Independent claims 1, 15, and 29 are generally directed to refining an approximate location of a device. An approximate location of a device is obtained. Thereafter, fuzzy logic is used to refine the location. First, a rule based is obtained. Imprecise input relating to the location f the device is then obtained. Applicant has amended the independent claims to incorporate some of the limitations of claims 6-8, 20-22, and 34-36 respectively. In this regard, the imprecise input may be based on at least one of three various criteria: (1) a proximity to a particular user identified location; (2) a similarity between a current user's activity and a particular established activity profile; or (3) whether a current time is within a particular temporal range or temporal profile. The imprecise input is then processed wherein it is determined how much (i.e., the magnitude) each input participates in the rules (of the rule set). The rules are then applied to the imprecise input based on the magnitude of participation. The rules are applied by producing a logical product. Based on the logical product, a refined location is obtained.

Thus, the claims specifically provide for two different pieces of information. First, an approximate location of a device is obtained. Thereafter, imprecise input is obtained. As set forth in the claims, the imprecise input may be based on several items: (1) a proximity (i.e., of the approximate location of the device) to a particular user identified location; (2) a similarity between a current user's activity and a particular established activity profile; or (3) whether a current time is within a particular temporal range or temporal profile. Applicant agrees that the "OR" language is used. Accordingly, in traversing the rejection, the ability for each item to overcome the prior art must be discussed.

The final Office Action primarily rejects the claims on the imprecise input based on a particular user identified location. In this regard, Applicant notes that the final Office Action relies on the same text (i.e., col. 3, lines 29-40) to teach both the approximate device location and the proximity to a particular user identified location. Applicant submits that the arguments set forth in

the final Office Action are inconsistent and cannot be true. The final Office Action asserts that the claimed approximate device location is equivalent to the location of the user. The final Office Action also asserts that particular user identified location is the location of the user. However, if both the approximate location of the device and the particular user identified location have the same meaning, there would be no need to capture the imprecise input based on the proximity to the particular user identified location as set forth in the claims. In this regard, the two different terms – approximate location of a device and particular user identified location would mean the same thing. Different terminology is used in the claims, and such terms have and refer to different meanings. Applicant submits that two items are referenced in the claims – (1) the approximate location of a device, and (2) a particular user identified location. The particular user identified location is not approximate and is not imprecise. Instead, the claimed location is particularly identified. The imprecise input is based on the proximity to the particular user identified location. As set forth in the claims and consistent with the terminology used in the claims, the proximity is of the approximate location of the device of the particular user identified location.

In the "Response to Arguments" section, the final Office Action asserts:

> "Proximity to a particular user identified location" is interpreted to mean, proximity defined by the set of signals related to a specific user location that is established by where the user is located which is what LeBlanc is all about. The wireless process does not disqualify LeBlanc's prior art. Favorite is not defined in the specification and is interpreted to mean preferred. Any recently visited location can be interpreted as preferred. LeBlanc's analysis of signals are related to a particular user based input...how else are such signals developed?

The above text establishes that the Examiner is interpreting the particular user identified location as a location of the user. The claims do not state "proximity to a particular user location". Instead, the claims separately set forth determining an approximate location of a device and then set forth that the imprecise input is based on a proximity to a particular user identified location. Such a user identified location is not a location of a user based on a set of signals. In this regard, the term "identified' is being completely ignored in the final Office Action. As claimed, the user "identifies" the location and such a location is not interpreted or based on triangulation of a set of signals. Under MPEP §2142 and 2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)."

Accordingly, the term "identified" cannot merely be ignored when judging the patentability of the claims.

The final Office Action states that LeBlanc's signals are related to a particular user based input and submits "how else are such signals developed?" Applicant submits that LeBlanc's signals are based not on user based input, but on the triangulation of a device the user happens to have. Such triangulation is not user based input and is not "a particular user identified location".

In addition, claims 43-48 would not make logical sense if interpreted as suggested in the final Office Action. For example, claim 43 provides that the particular user identified location comprises a user identified favorite location. The final Office Action submits that such a "user identified favorite" location is merely a preferred location and is a location that the user had last visited. Such an assertion is completely without merit. As stated above with respect to the claim objections, a last visited location is not a preferred location. Further, the user merely visiting a location is not equivalent to a user identified favorite location. In this regard, a user may identify a location as a favorite location without ever having visited that location (e.g., on an Internet browser, a user can type in a URL address without visiting a particular URL). Under the interpretation suggested in the final Office Action, the claimed "user identified favorite location" would have no additional meaning or significance beyond that set forth in the independent claim. Such an interpretation is improper. As stated above, each word of the claim must be evaluated. In this regard, the interpretation of a term that is wholly inconsistent with the other claims is without merit.

In view of the above, Applicant submits that the "proximity to a particular user identified location" is patentable over the prior art.

The rejection further submits that the second element that of a similarity between a current user's activity and a particular established activity profile is equivalent to a voice activity and a profile listed at col. 27, lines 35-40. Col. 27, lines 35-40 provide a table of the strength of a signal verses the past reliability of information associated with two antennae (see col. 27, lines 20-40). Thus, the text in col. 27 following the table illustrates how the table may be used. For example, when signal information is reliable and the strength is weak, then the confidence that the signal is coming from the 40th floor is 0.4. Thus, the table merely maps how reliable information is versus the strength of a signal to indicate whether a user is located on a 40th floor or not. Such a table is not equivalent to an activity profile or a current user's activity. In this regard, to construe a "current user's activity" as a

the strength or reliability of a signal is without merit. Further, to construe a particular established activity profile with a table of strength v. reliability of a signal is also without merit. Such a comparison has no foundation at all.

Applicant further submits that to construe a "profile" as the table in col. 27, lines 35-40 is a complete misinterpretation of the term "profile" as used in the specification and as understood in the art. For example, paragraph [0019] of the present specification indicates examples of a profile: "e.g., is the user a business visitor, close to a place of work, or a commuter in the proximity of a train station?" Such a profile is not even remotely similar to the strength v. reliability table in col. 27. An activity profile is a profile of an activity that has been particularly established (as set forth in the claims). The final Office Action submits that voice activity is an activity. However, Applicant notes that the information in col. 27 that is being evaluated in the table is not the similarity of a voice activity but the strength and reliability of a signal for a mobile device. In this regard, no voice activity is being analyzed whatsoever. Further, a profile of a voice activity would include a particular profile or pattern used by the voice (e.g., different ranges of the voice at particular increments). Accordingly, the strength and reliability of a signal is not an activity profile of a voice or otherwise.

In view of the above, Applicant submits that the user activity and profile set forth in the claims provide clearly patentable subject matter over the cited art.

The last mechanism in the independent claims for capturing imprecise input is based on whether a current time is within a particular temporal range or temporal profile. In rejecting this aspect of the claims, the final Office Action merely submits that a radio frequency wave qualifies. Applicant respectfully disagrees with and traverse such an assertion. Firstly, regardless of whether a radio frequency wave qualifies as input that has a temporal aspect, the claims provide a detailed analysis comparing a current time to a particular temporal range or temporal profile. To interpret the "current time" as a radio wave goes far beyond the scope of the claims and has no legal foundation or foundation within the cited prior art. The claimed "current time" is the time of day as understood in the art. Without any support for a different interpretation, Applicant submits that a radio frequency is not a "current time" as set forth in the claims, as understood in the art, and as established in the specification. Further, the claims compare the current time to a temporal range or temporal profile. Again, a radio frequency is not a temporal range or temporal profile. Instead, the American Heritage Dictionary defines radio frequency as:

radio frequency
n. Abbr. RF
1. The frequency of the waves transmitted by a specific radio station.
2. A frequency in the range within which radio waves may be transmitted, from about 3 kilohertz to about 300,000 megahertz.

Nowhere in such a definition is there any indication of a temporal range or profile. Further, LeBlanc completely fails to conduct any comparison at all. Even assuming that radio frequency reads on the claimed limitations (which applicant traverses), LeBlanc fails to determine whether a particular radio frequency is within a range or profile of frequencies. Accordingly, LeBlanc cannot and does not teach, disclose, or suggest, this aspect of the claims.

Again, the claims are very specific in the terminology used and the functionality utilized with such terminology. LeBlanc fails to teach, disclose, or suggest, implicitly or explicitly, both the terminology and the functionality performed with such terminology. For example, LeBlanc fails to teach both a particular user identified location and a comparison of a proximity to the particular user identified location to obtain imprecise input. Similarly, LeBlanc fails to each a current user's activity, a particular established activity profile, and a determination of a similarity between them. Further, LeBlanc fails to teach a current time, a particular temporal range, temporal profile, and a determination of whether the current time is within the temporal range or profile.

The various elements of Applicant's claimed invention together provide operational advantages over the systems disclosed in LeBlanc. In addition, Applicant's invention solves problems not recognized by LeBlanc.

Thus, Applicant submits that independent claims 1, 15, and 29 are allowable over LeBlanc. Further, dependent claims 2-5, 9-14, 16-19, 23-28, 30-33, and 37-51 are submitted to be allowable over LeBlanc in the same manner, because they are dependent on independent claims 1, 15, and 29, respectively, and because they contain all the limitations of the independent claims. In addition, dependent claims 2-5, 9-14, 16-19, 23-28, 30-33, and 37-51 recite additional novel elements not shown by LeBlanc.

IV. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

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